

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON**

**UNITED STATES OF AMERICA**

**v.**

**CRIMINAL NO. 2:09-00137**

**JOSEPH CLEVELAND FERRELL and  
SOUTHERN AMUSEMENT CO., INC.**

**DEFENDANT JOSEPH FERRELL'S MOTION TO POSTPONE  
BUREAU OF PRISONS REPORT DATE  
AND TO RECONSIDER HOME CONFINEMENT**

Comes now the Defendant, Joseph Cleveland Ferrell, by counsel, to move the Court to postpone his report date and to reconsider the option of home confinement due to further significant medical conditions that have developed since the Court's August 3, 2011 Order granting Mr. Ferrell's Motion to Postpone His Report Date.

As set forth in Dr. Shook's attached letter, and despite best medical efforts to prevent them, Mr. Ferrell has recently developed additional serious medical conditions in both his left and right foot. (*See* Exhibit A, Aug. 31, 2011 Letter of Dr. Jeffrey Shook; *see also* Exhibits. B-G, Photographs of heel).<sup>1</sup> The most threatening condition at this time is an ulcer on his left heel that required hospitalization for most of last week and surgery on August 22, 2011, and on August 26, 2011. Mr. Ferrell is traveling to the Cleveland Clinic on Thursday, with a wound vac in place, to obtain a second opinion on the best course of treatment for his rapidly deteriorating lower extremities.

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<sup>1</sup> Exhibits B through G are attached to the Motion to Seal filed this same day.

Based on Mr. Ferrell's limb-threatening medical conditions, Mr. Ferrell respectfully requests that the Court further postpone his Bureau of Prisons report date and reconsider the option of home confinement. The undersigned is mindful of the government's previously-expressed concerns about the "recurrent issues" Mr. Ferrell faces. But the apparently increasing scope, acuteness, and intractability of Mr. Ferrell's problems warrant the Court's consideration. The probation officer has also been made aware of Mr. Ferrell's current course of treatment. If the Court would like to hear further on this matter now or after Mr. Ferrell receives the second opinion, Mr. Ferrell's counsel would happily make themselves available for a conference or hearing. And if the court has questions of any of the medical professionals who have assessed or are about to assess Mr. Ferrell's condition, counsel will endeavor to make them available in person or remotely.

**Respectfully submitted,  
Joseph Cleveland Ferrell  
By Counsel,**

/s/Benjamin L. Bailey  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies the **“Defendant’s Ferrell’s Motion to Postpone Bureau of Prisons Report Date And To Reconsider Home Confinement”** was served upon counsel of record, via the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following counsel of record on this 31<sup>st</sup> day of August, 2011:

Hunter P. Smith, Jr., Esq.  
Assistant U. S. Attorney  
4000 United States Courthouse  
300 Virginia Street, East  
Charleston, West Virginia 25301

/s/ Benjamin L. Bailey  
Benjamin L. Bailey (WV Bar ID # 200)